

ARTICULABLE SUSPICION

January 2004



HAPPY NEW YEAR TO ONE AND ALL

The staff and Council members of the Police Standards and Training Council wish to pause at this season of celebration and wish the entire New Hampshire police and corrections family, of whom we are so proud, a happy, safe and prosperous New Year! Thank you for all that you do for us, and all that you do to make the Granite State one of the safest places in the United States in which to live, work, and play.

NOTES FROM NOBLE DRIVE

The NH Supreme Court recently rendered the following decisions of interest to law enforcement.

No Automatic Right to Self-Representation on Appeal

In *State v. Terry Thomas*, decided on December 9, 2003, the NH Supreme Court unanimously refused to go beyond what rights are provided for by the U.S. Supreme Court under the Federal Constitution and find that our State Constitution allows a defendant to represent him or herself during an appeal proceeding. They are, however, allowed to represent themselves (appear *pro se*) at the trial phase, unless the Court finds that they are not competent to do so.

After repeatedly firing lawyers appointed to represent him at the Superior Court level and being ultimately convicted of three counts of receiving stolen property, Thomas sought to represent himself before the Supreme Court on an appeal of his conviction and sentence. He asked the NH Court to overturn the U.S. Supreme Court's decision in *Martinez v. Court of Appeal of California, 4th Appellate District*, 528 U.S. 152 (2000) that a defendant has no due process right to represent him or herself in a direct criminal appeal. In looking at the issue under the due process clause of the NH Constitution, Part I, Article 15, the Court engaged in the following three-factor analysis, *State v. Landry*, 146 NH 635 (2001): (1) What private interest will be affected by the official action? (2) What is the risk of erroneous deprivation of such interest

through the procedures used? (3) What is the government's interest, including the function involved and any administrative and fiscal burdens that the additional substitute procedural requirement would entail?

After engaging in this analysis, the Court found that despite the limited incursion on Thomas' autonomy by denying him the privilege of representing himself on appeal, the risk to him was greater by allowing him to appear *pro se*, and would benefit Thomas as well as the Court, and that in his case, his interest in representing himself did not outweigh the interests of the State. They also held that the State Constitution does not provide an automatic due process right of a defendant to represent him or herself on appeal.

Thomas also argued that the Superior Court should not have permitted him to represent himself at his trial there, and that the Judge failed to conduct an adequate "colloquy" (interactive discussion) before allowing him to represent himself. Actually, the defendant played footsie repeatedly with several different judges in obvious delaying tactics that they finally tired of. He first had been assigned counsel as an indigent defendant, then sought a change in counsel and wanted to act as co-counsel in his own defense. He then went through a succession of four different co-counsels and asked again to have new counsel appointed. Judge Groff denied his motion and Thomas decided to represent himself. The Judge also appointed his existing lawyer as standby co-counsel to assist Thomas if he needed it. Thomas next wanted to fire his standby counsel and have someone else appointed, and the Judge denied that request, calling it merely a delaying tactic.

In order for a defendant to represent him or herself, the trial court must inquire into the person's competency to do so, and be sure that he or she understands the risks of proceeding *pro se*. In New Hampshire, a defendant can either be represented by counsel, or represent him or herself, but if they exercise one right, it nullifies the other, *State v. Panzera*, 139 NH 235 (1994). The defendant must convince the Judge that he or she understands what the right to counsel encompasses, and asserts an unequivocal desire to relinquish that right. If the Court

is convinced the defendant understands his or her rights and wishes to relinquish them, and has made this choice knowingly and intelligently, *State v. Barham*, 126 NH 639, the Court must allow him or her to proceed *pro se*. Moreover, the U.S. Supreme Court, in *Faretta v. California*, 422 U.S. 806 (1975), has described a waiver as being knowing and intelligent only if the Trial Court has found that the defendant is "literate, competent, and understanding, and voluntarily exercising his or her informed free will."

In this case, more than one Judge repeatedly warned Thomas of the perils of representing himself. They determined that he had some college education, understood the risks, and was determined to proceed on his own. He repeatedly tried to get rid of every lawyer who was appointed to represent him, including those whose role was to be co-counsel or even standby counsel. His waiver of counsel was therefore valid.

He also complained that he was denied a transcript of his suppression hearing. In New Hampshire, as at the federal level, the right to a transcript is not absolute, *State v. Cofske*, 129 NH 133 (1987); *Britt v. North Carolina*, 404 U.S. 226 (1971). The Court must first look at the value of the transcript to the defendant in connection with the purpose for which it is sought, and the availability of alternative devices that would fulfill the same functions as a transcript. Here, there was a tape recording of the suppression hearing and Thomas and his attorney at the time were given access to it, and even given additional time to listen to it, and never complained about its adequacy.

The bottom line: Thomas' conviction stands.

Tierney Conviction Reversed

In *State v. Robert A. Tierney, Jr.*, decided December 19, 2003, the Supreme Court unanimously overturned the conviction of Robert Tierney, who at the time he was charged with multiple convictions of aggravated felonious sexual assault and felonious sexual assault, was a Lieutenant with the Wolfeboro Police Department.

Tierney was living with his fiancée and her two sons, ages 14 and 10. In 1984 he and his fiancée married. During the time he was living in her home, it was alleged that Tierney sexually assaulted the two boys on numerous occasions. As a result of two incidents in the summer of 1984 and 1987 respectively, Tierney's wife became concerned about the relationship between her husband and her two sons. She said she did not confront Tierney nor question

her sons or husband about her suspicions because of her fear that he might lose his police job and because she did not want to hurt her sons. In 1980, she and Tierney went through what was characterized as a "bitter divorce" and in 1992 or 1993 one of her sons, then in his twenties, wrote a letter to his mother claiming that Tierney had sexually assaulted him. She reported this to the Wolfeboro Police Department and to the State Police nine years after her son wrote the letter to her. Following an investigation, Tierney was indicted.

Prior to trial, Tierney's attorneys moved to sever the charges, claiming that the acts were completely separate and distinct for each complaint and should not be joined together in a single trial. Carroll County Superior Court Judge James O'Neill denied the motion, and the allegations were lumped together for trial.

During the trial, Tierney's attorneys tried to present three defense witnesses to testify as to Tierney's reputation for character and truthfulness, and the Judge refused to let them testify.

State Police Sgt. Thomas Yorke was allowed to testify at the trial, both as an expert witness on how common it is for a sexual offender to reside in the same home as the victims and for the other adults in the home not to know what is going on; and as a regular witness describing the results of his investigation. The defense objected, saying that the same person could not testify as both an expert and as a regular witness, because this could lead the jury to lend more credibility to his regular testimony because of his "expert" status than they ordinarily would.

The Superior Court entered into a five-factor analysis specified in *State v. Fecteau*, 133 NH 860 (1991) in deciding whether to sever the cases or try them together. However, subsequent to that, the Supreme Court issued a new ruling, *State v. Ramos*, 149 NH 118 (2003) in which it adopted the American Bar Association's recommended standards for joinder and severance, that grant either the defense or prosecution the absolute right to sever unrelated cases. The issue now became whether the *Ramos* case would retroactively apply to Tierney. The Supreme Court held that the *Ramos* standards do apply retroactively, and that they will follow *Griffith v. Kentucky*, 479 U.S. 314 (1987) and that the Superior Court must now apply these new standards in deciding whether to combine the cases or not.

Because Tierney testified in his own defense and denied ever sexually assaulting the two boys, he said he should have been allowed to present character

witnesses as to his proclivity for telling the truth. The Supreme Court disagreed and said since there was no direct attack on his general character for truthfulness by the prosecution, the Judge did not act improperly in prohibiting character witnesses to testify.

As to Sgt. Yorke's testimony in a dual role of witness and expert, the Supreme Court said expert testimony involves matters of scientific, mechanical, professional or other like nature, which require special study, experience, or observation not within the common knowledge of the general public. Lay testimony, on the other hand, must be confined to personal observations that any layperson would be capable of making. If Sgt. Yorke's testimony was expert in nature, it should not have been admitted as lay testimony, and if lay in nature, it should not have been accepted as expert testimony. When he testified that he had investigated up to 300 cases of sexual assault in his career, he was giving testimony that was not "within the ken of the ordinary person." As such, it was expert testimony and should not have been admitted as lay testimony.

Associate Justice John Broderick wrote the unanimous opinion for the Court. Tierney's case will now go back to the Carroll County Superior Court for a retrial.

Officer's Articulated Experience Counts

In a 3-2 split decision with Chief Justice David Brock and Associate Justice Joseph Nadeau dissenting, the NH Supreme Court upheld the conviction of a man for possession of marijuana after a police search of his vehicle. The case was *State v. Joseph J. Turmel*, decided December 29, 2003, just before Brock's retirement.

The case sets some important precedent, not only on how an officer's training and experience can bolster probable cause, but also as to what constitutes general, on-the-scene questioning without the need to give the *Miranda* warning.

Undercover State Trooper James Mayers was headed northbound on I-89 in a pickup truck, when he came up behind a slower-moving vehicle and noticed Turmel, a young male, holding what appeared to be a "blunt", a cigar with part of its tobacco replaced with marijuana, between his thumb and index finger and "cupping" it inside his hand. He then saw the defendant put the cigar to his mouth, inhale, and pass it to his passenger, who also placed it in his mouth and inhaled.

A certified DRE (Drug Recognition Expert) and coordinator of the state Marijuana Eradication Program, Mayers thought that the way Turmel held the cigar and shared it with his passenger indicated marijuana. He called for backup, and a marked cruiser pulled Turmel over, joined by three other cruisers.

The driver and passenger were asked to step from the vehicle and were separated. The odor of marijuana emanated from the interior of the vehicle. The undercover Trooper introduced himself to the driver, told him he had seen him smoking marijuana, told him he wanted him to cooperate and asked him to confirm that he was smoking marijuana, which he did. He was told that he was not under arrest, and was asked if there were any weapons or drugs in the car, and he said there were not. He was asked if the officers could search his car, after which he would "probably" be free to leave. He was told that he did not have to consent to the search, but if he did not, the Trooper would "pursue other avenues" to search the car. Turmel consented to the search, which uncovered a large amount of cash in the trunk. A drug-sniffing K-9 was called to the scene and sniffed out the butt of a reefer in the ashtray. Turmel was convicted in New London District Court with Class B Misdemeanor Possession of Marijuana, and this appeal followed.

Writing for the Court majority in upholding the conviction was Associate Justice Linda Dalianis. The first issue was whether there was reasonable suspicion to stop Turmel in the first place, since there was nothing erratic about his driving that drew attention to him, and nothing physically wrong with the car. A stop on reasonable suspicion must be based on specific, articulable facts taken together with rational inferences from those facts, that the person to be stopped has been, is, or is about to be, engaged in illegal activity, *Terry v. Ohio*, 392 U.S. 1 (1968), *State v. Pellicci*, 133 N.H. 523 (1990). The mere observation of someone smoking a cigar is not sufficient to suspect that the cigar contains marijuana, *State v. Varnell*, 410 So. 2d. 1110 La. 1982). Even holding it in a "cupped" fashion is insufficient, *State v. Davis*, 359 So. 2d. 986 (La. 1978). However, one may also consider that a trained officer can make inferences and draw conclusions from conduct that would seem unremarkable to an untrained observer. Here, Trooper Mayers was a certified DRE and undercover drug officer, and in light of his training and experience, his observation of how the defendant held the cigar and shared it with his passenger led him to conclude that marijuana was being used. Although sharing an expensive cigar may not be uncommon and people hold cigars in many different ways, this does not mean an officer must rule out all innocent explanation before investigating, *State v. Galgay*, 145 NH 100 (2000). In

light of the surrounding circumstances, Trooper Mayers articulated sufficient reason for the stop.

The reasonable suspicion did not evaporate during the 10 minutes that the Trooper observed the vehicle simply because he observed no other indications of criminal activity. In *State v. Galgay*, *supra.*, the Court upheld the stop of a person reported as a possible DWI an hour after the initial report. Here, the passage of 10 minutes between the observation and the stop did not diminish the reasonable suspicion that first existed.

Nor was the permission to search the vehicle coerced, or the admission of smoking marijuana illegally obtained because no *Miranda* warning was given. The warning is required only in cases of a custodial interrogation. Custody requires formal arrest or restraint on freedom of movement to the degree associated with a formal arrest. This depends on how a reasonable person in the suspect's position would have understood the situation. If a reasonable person would not feel free to leave, a seizure of that person has occurred, and *Miranda* is required in order to ask incriminating questions of the person. However, the police may temporarily detain a suspect for investigatory purposes, short of a formal seizure, *State v. Reid*, 135 NH 376 (1992). Such temporary custody does not preclude general, on-the-scene questioning, *Berkemer v. McCarty*, 468 U.S. 439, *State v. Grey*, 148 NH 666 (2002).

Here, Turmel was lawfully detained for investigation. He could be asked a moderate number of questions to determine his identity and to confirm or dispel the officer's suspicions without triggering the *Miranda* requirements. Under the totality of the circumstances in this case, which at first may have appeared to be a borderline situation that had one or two "arrest-like features", the point at which the stop transformed into the functional equivalent of an arrest for *Miranda* purposes occurred only after Turmel had admitted that he was smoking marijuana and had given permission to search his car. Smelling marijuana emanating from the car gave the officer reason to inquire if the defendant had been smoking pot. This was within the scope of a valid investigatory stop, just as an officer might ask a motorist on whom he or she smelled alcohol if they had been drinking. Once the defendant admitted that he had been smoking pot, it was reasonable to ask permission to search the vehicle, and the defendant was specifically told that he could refuse. The statement that the officer would "pursue other avenues" if refused was not tantamount to stating that those avenues would be successful, i.e., that a warrant could be obtained, etc.

The stop was reasonable in length. The U.S. Supreme Court has declined to adopt any "bright-line rule" on how long a stop is excessive, *U.S. v. Sharpe*, 470 U.S. 675 (1985). One must take into account the law enforcement purposes that are served by the detention, the diligence with which the ongoing investigation is being pursued, and the scope, intrusiveness, and duration of the detention. Here, immediately after the stop, Turmel was asked to step from the car. This was permissible under *Pennsylvania v. Mimms*. He was taken to the rear of the car, and the officer identified himself and asked questions directly related to his suspicions. This took less than 10 minutes. Only two of the officers present at the scene spoke with Turmel. He was not frisked, handcuffed, or held at gunpoint. He could reasonably conclude that he was not free to leave, but not that he was under the functional equivalent of an arrest. The mere presence of four officers and three cruisers at the scene did not negate the fact that this was a valid investigatory stop, *U.S. v. Quinn*, 815 F.2d. 153 (1st Cir., 1987). Turmel was not detained for an unusually long period of time, was asked only a limited number of questions that were consistent with the purpose of the stop, and at the time he made his statements to the police, he was not in custody but was being held within the confines of a valid investigatory stop. He never argued that his consent to search was involuntary or coerced, so the Court did not address that issue in its decision.

Chief Justice Brock dissented. He said this was a borderline case that had "arrest-like features", *U.S. v. Acosta-Colon*, 157 F. 3d. 9 (1st Cir., 1998) and he did not feel these arrest-like measures could be reconciled with the limited nature of a *Terry*-type stop. Turmel's detention, Brock said, "differed dramatically from the typical non-custodial traffic stop" in that it was more "police-dominated." There were three uniformed State Troopers and one undercover Trooper in a pickup truck confronting Turmel. Two cars pulled ahead of his vehicle, and two behind it. He was essentially surrounded by uniformed patrol cars and essentially encircled when the questioning took place, rendering him completely at the mercy of the police and therefore in custody, *People v. Taylor*, 41 P.3d. 681 (Colo. 2002). This did not lead inexorably to the conclusion that a *de facto* arrest had occurred, but it signaled from the beginning that the detention was "escalating toward an arrest." The interview, from its inception, assumed an intimidating tone, which was another arrest-like feature. The police employed a "divide-and-conquer strategy" in separating Turmel from his passenger. The Trooper admitted that his questioning was "clear and concise and right to the point" in telling Turmel what he observed and asking him to cooperate. The intimidating and coercive

nature of this exchange “comports with the type of tactics against which *Miranda* warnings were designed to protect - tactics designed to place the subject at a psychological disadvantage where his story would be but an elaboration of what the police purport to know already - that he is guilty.” He was not told that he was not under arrest until after he had admitted smoking marijuana and thereby incriminated himself. Taken together, the police-dominated atmosphere and the intimidating questioning of the defendant, the Brockster said, “created precisely the type of inherently coercive environment feared in *Miranda* and would have led a reasonable person to believe he was being subjected to restraints on his freedom to such a degree that he was under arrest.”

In a separate dissent, Associate Justice Joseph Nadeau questioned the reasonable suspicion for the stop, as well as agreeing with Brock on the coercive nature of the questioning. Nadeau said the officer made the observations of the cigar while passing Turmel’s car at 65-70 mph and although he saw Turmel pass the cigar to his passenger, he did not see them pass it “back and forth”, nor did he observe how they inhaled or exhaled the smoke. Nadeau said it was doubtful to him that cupping a small cigar inside one’s hand and passing it once to someone else are characteristics so related to marijuana smokers as to arouse reasonable suspicion of unlawful conduct.

Prisoner Entitled to Sue Warden and Prison Employees

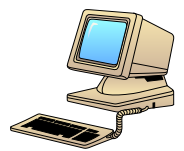
In *Edward Silva v. Warden, NH State Prison & a.*, decided December 24, 2003, the NH Supreme Court unanimously refused to dismiss a lawsuit against prison officials with prejudice and declared that without actual physical or money damages, damages can have physical manifestations such as mental suffering from an intentional tort.

Silva, a prison inmate, claimed he was searched by three different Corrections Officers on three separate occasions during pat-downs at the prison, where his genitals were deliberately grabbed. On the first occasion he objected and was told, “Welcome to the NH State Prison”, and his genitals were grabbed a second time. After he complained again, the officer threatened to write him up for a disciplinary infraction and subjected him to a total strip search done in what he called a “slow, exaggerated and humiliating manner,” including an inspection of his body cavities. During the second search six months later, an officer grabbed Silva’s genitals and when he objected, he was subjected to another “slow, exaggerated and humiliating” strip search.

The Supreme Court refused to dismiss the allegations on the grounds that no actual harm had resulted from the officers’ actions. They said the writ provided a detailed description of the alleged events sufficient to state a tort claim. The allegations of harm were also sufficient. Expert testimony was not required to prove emotional distress. An average layperson can understand what invasion of privacy and emotional harm can result from unprivileged physical contact of the genitals and from a strip search done in a slow, exaggerated and humiliating manner.

The case was remanded back to the Superior Court to determine whether Silva had exhausted all his administrative remedies within the Department of Corrections before he could proceed with his suit.

SEX EXPLOITATION OF CHILDREN IN THE COMPUTER AGE



Most families, when they go to bed at night, lock their doors to help keep out intruders. We take the keys out of our car and lock it when we leave it. We are careful not to give our credit card number out too easily. When our children go to school, many parents wait beside the school bus shelter to see them safely on and off the bus. We warn them not to talk with, or accept rides from, strangers.

However, there is a criminal - a suspicious stranger - lurking near every home that has children, and no amount of locking the door will keep him or her out, if there is a computer and an Internet connection in the house. That criminal is the Internet pedophile, millions of whom are waiting in the virtual world of cyberspace to enter your home unannounced and pounce on your children and grandchildren at the first possible opportunity.

The Internet is the new playground for sex offenders. It affords them both anonymity and legitimacy. And prosecuting this new kind of criminal offers new challenges to law enforcement in the form of legal issues attendant to electronic communication investigations.

Today, more and more children are logging on to chat rooms, bulletin boards and other Internet sites at home, at school, even at the Public Library. Every time they log on, they are at risk for sexual exploitation. These criminals, aside from the few whose aim is prostitution, child slavery or producing commercial porno films, are not motivated by profit. They are motivated by the wish to gratify their own sick sexual desires. Sometimes, they may even be members of the child’s extended or immediate family.

Even a simple investigation of computer-aided pedophilia can be a complex assignment requiring more than one person and more than one area of expertise. Police officers need to make the acquaintance of experts and resources available to assist them, before that big case comes down. Improper investigative techniques or mishandling of computer equipment and evidence can result in the loss of the case and the bad guy going free.

Behavior and Motivation of the Preferential Sex Offender

These offenders engage in highly predictable patterns of sexual behavior. They are best referred to as "preferential sex offenders" to avoid confusing their illegal behavior with the term, "pedophile," which is a mental health diagnosis. The preferential sex offender (PSO), who uses the computer as an instrument of his or her crime, is generally of above-average intelligence and of at least average financial means. The PSO tends to be a serial offender, and a predator. Here are some ways to tell if the suspect you are dealing with is a PSO:

- He or she began as a teenager or pre-teen, spends a lot of time and energy on the task, offends again and again, and tends to make mistakes because of getting into a ritual or responding to a driven need.
- The individual has intense, sexually arousing fantasies, sexual urges, or behaviors involving non-human objects, suffering or humiliation of him/herself or partner, or fantasies about children or other non-consenting persons that occur over a period of months or more. These behaviors are called, paraphilias. They begin to focus on a particular sexual interest and particular victim characteristics. They center their lives around these fantasies.
- They are skillful liars and manipulators, and they are quick to use the computer, VCR and other modern technology for their needs.
- They collect pornography, sexual paraphernalia, souvenirs and videotapes, record their fantasies, and then act to turn these fantasies into reality.

Sex Offenders in the Computer Age

Sex offenders against children use computers in a number of ways. By communicating with like-minded individuals across the country, they validate their own sick perversions and exchange information and even

photos of children with others. They also use online services and bulletin boards to locate others with similar interests, all the while being protected by a cloak of privacy and anonymity. They get immediate feedback when they connect with someone with similar interests. In some cases they may illegally enter a system, or they set up their own online bulletin board or participate in an underground one.

They use computers to index and organize their collections and correspondence. Many are compulsive record-keepers, which makes for lots of evidence when their computers are seized. They may store names and addresses of victims and lists of characteristics and sexual acts performed, diaries, fictional stories and sexual fantasies. It is sometimes difficult for investigators to discern fact from fiction when analyzing the contents of one of these computers.

If they are making a profit off porn, they may have spreadsheets and other financial data on their computers, including customer lists, invoices and the like.

Most dangerous of all, they use cyberspace to troll for their child victims. They can pose as an adolescent boy or girl or adopt any phony identity they wish. Adolescent boys who spend many hours on the web are at particularly high risk of such contacts through the medium of chat rooms and real-time participation in these Internet chats. Many of the adolescents who are roped in this way are curious, rebellious or troubled in the first place, but then are seduced by a clever offender who takes advantage of their vulnerabilities.

Child Pornography - What it Is

So-called kiddie porn is more available than ever now. Offenders can transfer, manipulate, morph and even create it on their home computers. They can store, transfer from print or VHS, and transmit it, with each copy as good as the original, because it is done digitally. It can be stored on 3.5" disk, CD's, DVD's, Zip™ drives or hard drives. It can be encrypted for storage or transmission to defy detection. Faster modems and digital cameras have made it even easier and provide an added dimension. In the near future, most communications systems in the home, including the TV sets, will be funneled through a computer.

Computer manipulated and computer generated visual images of children engaging in sexual acts have led to the Child Pornography Prevention Act of 1996, which has been expanded to prohibit any visual depiction

that has been created adapted or modified to *appear* that of an identifiable minor engaged in sexually explicit conduct. However, it can be hard to prove that the images are of an "identifiable minor."

Who Is Likely to Violate the Computer Pornography Laws?

There are two broad categories of child porn computer offenders – the "dabbler" and the "preferential offender." The dabbler is often an adolescent looking for porn, a curious adult with a new-found interest in porn, or a person motivated by profit. Their behavior is usually not as long-term, persistent, or predictable as the next category of offender, the preferential. Preferential offenders are usually sexually indiscriminate people with varying sexual interests, or pedophiles who definitely prefer children. The indiscriminate will have a wide collection of porn, whereas the pedophile will focus on kiddie porn. The indiscriminate offender is somewhat less likely to molest children, especially young ones. Other types of offenders include media reporters looking for a news story, pranksters trying to embarrass someone and over-zealous citizens trying to conduct their own vigilante investigations.

It is important to gather and evaluate background information when investigating these types of offenders. From the online service provider, undercover operations, posing as a child online (pretext contacts), informants or other measures, try and determine the person's screen name, screen profile, accuracy of the profile, length of time active, amount of time spent online, number of files, transmissions and recipients, number of files originated, forwarded or received, theme of messages and chat, and theme of pornography. Do not overreact to reported allegations, but do not fail to investigate thoroughly. Keep an open mind, so you can avoid embarrassing errors in judgment and develop proper interview, investigation and prosecution strategies. For example, know that preferential offenders are more likely to commit multiple offenses, make need-driven mistakes, and compulsively collect porn and paraphernalia.

Conclusion

Remember, computer criminals that prey on children are out there. They are invading your town or city locally and from miles away. The more you can learn about them and their wily ways, the better able you will be to protect your citizens.

ANDY ROONEY WITH A BADGE

Ed. Note: With the departure of former Director Earl M. Sweeney, the editors of Articulate Suspicion offered to give him a space in each month's issue to "sound off" on whatever is bothering him at the moment, sort of like the video snippets Andy Rooney has been famous for on television. Being given such a free rein, we have no way of determining what his "flavor of the month" will be. That said, here is this month's contribution:

Did you ever wonder why many in the news media these days want to do much more than report the news - it seems they also want to shape it and make it. And, they even want to tell us what we should think about what they are reporting. . .

Until recent years, it was taboo for a news reporter to give his or her opinion in a news piece. Opinions belonged on the editorial pages of the newspaper, not the news pages. "Just the facts, Ma'am" was what they reported. Nowadays, news stories are rife with reporters' opinions - sometimes we are warned by a small tag line under the reporter's byline that says "News Analysis" that what we are reading is a mixture of fact and opinion. More often than not, however, not even this warning appears.

When it comes to broadcast journalism, even these rules of fair play seem to have gone by the wayside. As I write this just before Christmas 2003, the news of Saddam Hussein's capture was just being broken over the PBS station that I was listening to. As usual, not content to simply report his capture, PBS had to bring in an "expert" in foreign relations to discuss it. What was the first question the excited reporter asked this "expert?" "What should people think about the capture of Saddam Hussein?" I don't know about you, but my reaction to this was, "Do you really believe that your listeners are so unintelligent that they are not capable of deciding, for heaven's sake, what they are to *think*?" No longer is the media content to be thought-provoking in their news and commentary, they now have to tell us poor uneducated slobs what to think about what they are reporting!

Is it any wonder that recent public opinion polls have expressed a great distrust of the media by the average American? I think not.

THIS MONTH IN HISTORY -- JANUARY

10 Years Ago -- 1994 (Jan. 6) Olympic figure skater Nancy Kerrigan is attacked by Tonya Harding's bodyguard.

15 Years Ago -- 1989 (Jan. 20) George Herbert Walker Bush, father of the current president, is inaugurated as president; Dan Quayle becomes vice president.

20 Years Ago -- 1984 (Jan. 24) Apple unveils its Macintosh personal computer.

30 Years Ago -- 1974 (Jan. 16) Mickey Mantle is inducted in the Baseball Hall of Fame.

40 Years Ago -- 1964 (Jan. 11) U.S. Surgeon General Luther Terry reports that smoking may be hazardous to one's health.

50 Years Ago -- 1954 (Jan. 8) Elvis Presley pays \$4 to Memphis studio to record his first two songs, "Casual Love" and "I'll Never Stand in Your Way."

100 Years Ago -- 1904 (Jan. 4) The U.S. Supreme Court rules that Puerto Ricans cannot be denied admission to the United States.

CHIEF'S CORNER

Terminating At-Will Employees

New Hampshire is an "at-will" state as far as employer/employee relationships are concerned - meaning, that unless there is some agreement to the contrary, either side is free to terminate their relationship at any time, without notice. An employee can be fired for any reason as long as the firing was not based on illegal discrimination or some other practice that is prohibited by another law or by a collective bargaining agreement. Generally, part-time employees are not considered to have any "property rights" to their jobs and can be terminated without cause or a hearing at any time for any legal reason.

This situation changes if the employee is covered by some state statute or local ordinance that gives them tenure or some other particular right to employment, if they belong to a labor union and the collective bargaining agreement contains particular provisions that control termination, or if there is a local personnel policy that spells out particular employee rights.

Police Chiefs, for example, are covered by RSA 105:2-a, and although they have no right to a pre-termination hearing, they have a right to go to

Superior Court after the fact to overturn an attempt to fire them, provided they file timely notice with the court. Full-time police officers, once they are off probationary status, are covered by other provisions of law and generally have a right to a hearing before the hiring authority (the Selectmen, Town or City Manager, etc.). Full-time civilian employees may also be considered to have "property rights" in their jobs and may be entitled to a pre-termination hearing.

Sometimes a police department can unintentionally confer additional rights on a part-time employee, for instance, by subjecting them to the same probationary period they do full-time officers, or specifying disciplinary steps in a personnel manual that must be satisfied before the employee can be terminated. Establishing a probationary period for part-time employees is overkill since they can be terminated at any time anyway, and in doing so, you can unintentionally alter the "at-will" relationship with these employees by giving them a written expectation that once they are off probation, their employment is now secure.

To avoid having this happen, you may wish to delete any references in your rules and regulations or personnel manuals to part-time employees serving a probationary period. Instead, you may wish to refer to the first few weeks or months as a training period, an introductory period, or a skills-building period, and note that these are at-will employees who regardless of length of service are subject to termination without cause. You may also wish, at the time of extending a conditional offer of employment to a part-time employee, to note that he or she will be serving as an at-will employee and their services can be terminated without cause at any time, thus placing them on notice of this fact.

Whenever issuing a written warning to an employee, be sure to insert a paragraph (unless inconsistent with the collective bargaining agreement, if one exists) that warns the employee that failure to improve performance will lead to termination.

And finally, whenever you terminate an employee, be careful about making derogatory remarks about his or her performance publicly. You may then be giving even an "at-will" employee the right to a "name-clearing" hearing.

Always consult with your departmental legal counsel on employment matters, even if you feel quite sure of yourself. Laws and court decisions change all the time, and you want to minimize your liability.

ACCREDITATION 2004

By: Bradley W. Parker
NHPSTC Accreditation Manager

As many of you have heard, as of November 21, 2003, we have an alliance agreement with CALEA. This alliance agreement is the CALEA "Recognition Program." In short, the agreement allows NHPSTC, as well as NNEPAC, to use the copyrighted standards of CALEA. The new "Recognition Program" is similar to our old 4-level system. The major change is that the Council now has the power to grant CALEA Recognition. As was the case in the past, the only difference between the New Hampshire and CALEA standards is that there are a few additional standards added that are required by either statute or administrative rule.

Because of the transition to the new accreditation system, those currently accredited have 18 months to transition to the new system. The new system is also different in that you must be reaccredited every three years.

Those wishing to have the CALEA Recognition would apply in the same manner as you would for New Hampshire Recognition. The major difference here is that you must submit an accreditation application fee of \$250 to CALEA, after your application is signed by NHPSTC Director Lohmann. With the CALEA Recognition Program, there is also an annual maintenance fee of \$200 which is paid directly to CALEA.

We will have a new accreditation manual, which explains the entire process. You will also need a copy of the CALEA standards manual to begin the accreditation process. For our manual there is no charge, but the CALEA manual costs approximately \$40, and is purchased by your agency directly from CALEA. The address is found within the NH accreditation manual.

Should you have any questions about the new accreditation process, you can contact me here at NH Police Standards and Training.

SARS: A REPEAT PERFORMANCE?



As we go to press with this issue of *Articulate Suspicion*, it appears that SARS (Severe Acute Respiratory Syndrome) is back. There is one confirmed case in southern China and three suspected cases. Should New Hampshire be alarmed? No.

Should New Hampshire be concerned? Yes. With international flights coming in to Boston, Montreal and Toronto on a daily basis, and connections to New Hampshire from many other locations, it could be on our doorstep soon. The good news is that unlike last year, we are now much better prepared, and those preparations continue. Last year, we produced a CD-ROM training disk on SARS, including medical and legal information, and we still have it available. If you would like a copy of that CD, contact Lt. Benjamin R. Jean at 271-2133 or bjean@pstc.state.nh.us. We are also working with the State Epidemiologist, Dr. Jesse Greenblatt, and the Bureau of Emergency Medical Services on further planning.

So what, in 25 words (more or less), does law enforcement need to know? As for medical concerns and modes of transmission, the best two sites for getting information are the New Hampshire Department of Health and Human Services site (<http://www.dhhs.state.nh.us/DHHS/BCDCS/sars-overview.htm>), and the Center for Disease Control site (accessible from the DHHS link). The NH Dept. of Safety, Bureau of EMS, has also issued advice on precautions for EMS providers, which relates not only to SARS, but to all manner of respiratory illnesses, including flu. We will be making that information available via CD-ROM as soon as it is completed.

The other thing that law enforcement needs to be aware of is that the Commissioner of the Dept. of Health and Human Services has the authority to quarantine individuals who pose a risk of transmitting the disease to others. While in most cases the public health service would be serving such orders, law enforcement *could* be called upon to serve the orders. Examples of what those forms look like and the procedures for service are included on the CD mentioned above. *Where* people will be quarantined remains an open question. Typically, people are quarantined to their own homes, but in the case of a mass quarantine or an uncooperative individual, other facilities are being identified. More guidance will be forthcoming.

Finally, training. We are monitoring the situation and are prepared to do additional training for first responders should the need arise. In the meantime, if you are interested in a training session on SARS, either regionally or in Concord, please contact Don Vittum of our staff.

Snow-y Facts- Here are some cold facts from the National Weather Service:



- Rochester, N.Y., the snowiest large city in the United States, averages 94 inches of snowfall a year. Buffalo, N.Y., is a close second with 91 inches.
- On average, 105 snow storms hit the continental U.S. every year.
- Nationwide, the average snowfall per day when snow does fall is about two inches.
- In the western states, mountain snow pack contributes up to 75 percent of the year-round water supply.
- Snow is an excellent insulator. Ten inches of fresh snow will do the job of a six-inch layer of fiberglass.
- Almost every location in the United States sees snow at some time or other. Even portions of southern Florida have had a few flurries.

NEW STATE LAWS EFFECTIVE JANUARY 1

Listed below are some of the new laws that took effect on January 1, 2004. The chapter number tells where the law can be found in a volume called, *NH Laws - 2003*. This chapter number should not be confused with the RSA number, which is the number in the Revised Statutes Annotated where this law will appear once it has been *codified* (incorporated into the State's code of laws) by the lawbook publisher. Once your department has received its new *Pocket Supplements* (updates to the RSA's), you will look up these laws in the conventional manner.

In the meantime, if you desire a full copy of any of these, you can obtain it over the Internet by going to the site <http://www.nh.gov>, activating the "Legislative Branch" menu, and then going to "Session Laws."

RSA 651:6 is repealed and reenacted to allow for an extended term of imprisonment for manslaughter and requires that the circumstances that warrant such extended term shall be based on jury findings beyond a reasonable doubt. (Chapter 33)

RSA 265:107-a is amended in regard to child passenger restraints. While previously they were required for children less than four years of age, now child passenger seats are required for any passenger

less than six years of age and less than 55 inches in height. Thus, any child up to age six must wear them unless the child is at least 55 inches in height. (Chapter 55)

Parking in "access aisles" serving parking spaces for persons with disabilities is now prohibited, and the minimum fine for illegally parking in a handicap space is increased from \$50 to \$250. RSA 259:1-b defines "access aisle" as a designated space for maneuvering a wheelchair or other mobility device when entering or exiting a vehicle, and that is immediately adjacent to a properly designated parking space for persons with a walking disability, whether on public or private property. Access aisles shall be so marked as to discourage parking in them. RSA 265:69, I (i) - (1) is amended to provide that to park in a handicap spot, a person must have a special plate or placard (decals are no longer issued and have been deleted from this section) issued or recognized under NH law (giving reciprocity to those from other states), and the person who qualifies for the plate or placard is being transported to or from the parking space. RSA 265:69 (m) is inserted to prohibit parking in, or overlapping into, any access aisle and provides for this a minimum fine of \$50 for a first offense and \$100 for subsequent offenses. RSA 265:69-a, on enforcement of handicap parking provisions, states that testimony under oath plus clear photographic evidence from a person with a walking disability or handicap that a person not entitled to do so was parked in a handicap space or overlapping an access aisle will be sufficient unless rebutted or contradicted, to prove that the owner of a vehicle has illegally parked in violation of this law. (Chapter 71)

Located in Chapter 96 is an extremely important and good piece of legislation that now allows a police officer to take a person who is under the influence of a controlled drug into protective custody the same as an officer can do with a person who is intoxicated or incapacitated by alcoholic beverages. It establishes a committee of three Senators and three House members, with input from the Commissioner of Safety, the Director of Police Standards and Training, the NH Association of Chiefs of Police, a Criminal Defense attorney, the Coordinator of Highway Safety, and the Commissioner of Health and Human Services, to study the possibility of making the ALS law applicable to persons driving under the influence of drugs and ways to speed the adjudication of drug cases in the District Court, and report on or before November 1, 2003.

The bill makes the following amendments to existing law:

- RSA 172:1, XXVI, a definition of “Incapacitated” is inserted, defining the term as a person, as a result of their use of drugs, being in a state of intoxication, or mental confusion resulting from withdrawal, that they need medical care or supervision by approved drug treatment personnel to assure their safety, or they appear to present a direct, active or passive threat to the safety of others.
- RSA 172:1, XXVII, a definition of “Intoxicated” is inserted, defining the term as a condition in which the mental or physical functioning of an individual is substantially impaired as a result of the presence of drugs in their system.
- RSA 172:1, XXVIII, a definition of “Protective Custody” is inserted, to mean a civil status in which an incapacitated person is detained by a police officer for the purposes of assuring the safety of the individual or the public or both, and assisting the person to return to a functional condition.
- RSA 172:1, XXIX, a definition of “Designated Drug Counselor” is inserted, to mean a person approved by the Commissioner of Health and Human Services to evaluate and treat drug users and abusers, who may be, but is not required to be, also a certified alcohol and drug abuse counselor.
- RSA 172:15 is inserted to provide that when a peace officer encounters a person who, in the officer’s judgment, is drug **intoxicated**, the officer may take them into protective custody and take whichever of these actions the officer judges to be most appropriate to ensure the safety and welfare of the public, the individual, or both: Assist them, if they consent, to their home, an approved drug treatment program, or some other appropriate location, **or** release them to some other person assuming responsibility for them, **or** lodge them in a local jail or county correctional facility for up to 24 hours or until the keeper of the facility judges them to be sober. For a person who is **incapacitated** with drugs, the officer’s options are, under the same conditions, to transport them to an approved drug treatment program with detox capabilities at a licensed general hospital emergency room (or, if a designated drug counselor exists nearby and is available, to the counselor at a mutually agreeable location between the officer and the counselor). Protective custody ends when the person is released to such a program or location, or at any time if the officer judges the person to be no longer incapacitated, but in any case may not exceed 24 hours. No **incapacitated** person can be lodged in a jail

or correctional facility unless the keeper of the facility immediately contacts a designated drug counselor, a clinical staff person of an approved drug treatment program with detox facilities or a medical staff person at a general hospital emergency room to verify that the detainee is indeed incapacitated, but if no such professional person is available the determination may be made by a registered nurse or EMT on the staff of the detention facility.

- No jail or correctional facility shall refuse to admit a person when protective custody is requested by a police officer under this section.
- If a person under age 18 who has not been charged with a crime is p.c.’d, their parent or guardian shall be notified immediately and they must be held in a room or ward at the jail or police station separate from any adult or person charged with delinquency. If there is no parent or guardian in the area, the court must be contacted for authority to further hold the person.
- Any incapacitated person who is p.c.’d shall have their family or next of kin notified ASAP, unless they request no notification, in which case none shall be made.
- Taking someone into p.c. under this law is not an arrest, but the officer or jailer can still obtain I.D. and search the person to prevent suicide, escape, or injury to anyone. No unreasonable or unnecessary force or restraint can be used to detain the person.
- Police officers and correctional personnel and drug counselors acting under this section are immune from civil and criminal liability if they do not exhibit gross negligence or cause willful or wanton injury.

RSA 644:8-a, in the Criminal Code, is amended to prohibit any person from keeping, breeding or training any bird, dog, or other animal, with the intent that it or its offspring will be engaged or used in an exhibition of fighting, or to promote such an exhibition, under penalty of a Class B felony. Any person who is present at any such illegal fight or preparations for one is also guilty of a Class B felony. All animals so kept, bred or trained by a person charged with violating this law may have their animals seized by the arresting officer. Upon conviction, the Court may order the animals to be destroyed in a humane manner by a licensed veterinarian, and the owner is financially responsible for boarding and disposing of the animals. (Chapter 98)

RSA 651-C:5, I, in the Criminal Code, is amended to provide that records contained in the DNA database, pursuant to statute, will be expunged if the person is found innocent or their conviction is overturned on appeal, provided the offender has no other criminal convictions that would require inclusion in the DNA database. The person requesting expungement must send a written request to the Department of Safety, along with a certified copy of the court order reversing and dismissing the conviction. (Chapter 101)

RSA 215-A:19, I is amended to make the operator or owner, or both, of an OHRV driven by a person under the age of 18 liable for damage to property caused by the minor. Provides that such a minor will not be considered a delinquent or CHINS, but will be guilty of a violation in adult court. They may be fined or have their OHRV certificate suspended for up to six months, and may be required to perform community service or attend an approved OHRV safety course in mitigation of the damages. (Chapter 104)

RSA 516:7 is amended to provide that in addition to being guilty of a violation, anyone who neglects or refuses to appear and testify or give a deposition in obedience to a subpoena or summons may be ordered to pay costs. (Chapter 128)

RSA 517:13, V is amended to prohibit persons who are victims of crimes or witnesses, under the age of 16 at the time of the *deposition*, from being subject to discovery depositions. The prior law applied only to persons who were age 16 or under at the time of the *event*. (Chapter 141)

RSA 173-B:9, I (a) is amended to provide that when a person is arrested for violation of a domestic violence or divorce protective order, in extreme circumstances such as where the health of the defendant would be jeopardized by temporary detention, a Judge in response to a request from the arresting police officer or agency may order an alternative to detention pending arraignment. Enacted without the signature of the Governor. (Chapter 219)

A new section is inserted into RSA 508:21 that limits the liability of manufacturers, dealers, distributors, or importers of firearms or ammunition from damages resulting from misuse of those products. (Chapter 267)

You may also want to look up the following, also effective January 1, 2004:

Chapter 23 - Operating an OHRV After Suspension
Chapter 32 - Temporary Removal of Inmates

Chapter 69 - Defining "Terrorize" in the Crime of Criminal Threatening
Chapter 80 - Disposal of Drugs in the Possession of Police Officers
Chapter 93 - Impersonation of Candidates
Chapter 118 - Junkyards & MV Recycling Yards
Chapter 136 - Advertising on Utility Poles and Highway Signs
Chapter 168 - Use of Simulated Legal Process
Chapter 192 - Child Custody Decisions
Chapter 209 - Liability for Haz Mat Accidents
Chapter 226 - Sexual Assaults by Corrections Personnel; and Prohibiting Parents Convicted of Sexual Abuse from Exercising Visitation Rights with the Abused Children
Chapter 230 - Interstate Offender Supervision Compact
Chapter 237 - County Departments of Corrections
Chapter 238 - Unauthorized and Deceptive Use of a Bank's Name
Chapter 243 - Treatment of DWI Offenders
Chapter 247 - Video Teleconferencing in Criminal Cases
Chapter 251 - Practice of Law by Part-Time Judges and Clerks Prohibited
Chapter 256 - Dissemination of Sexual Materials Without Consent
Chapter 258 - Pre-Recorded Political Messages
Chapter 259 - Victim Impact Statements
Chapter 265 - Judicial Proceedings for Crimes Committed by Minors Charged After They Have Become Adults; and Statutes of Limitation in Cases of Destruction or Falsification of Evidence, Witness Tampering, or Other Unlawful Conduct
Chapter 271 - Landlord Access to Rental Properties



RETIREMENTS, PROMOTIONS AND OTHER PERSONAL NEWS

RETIREMENTS

Chief Jeffrey Dicey, Conway PD
Chief Michael Burnham, Charlestown PD
Sgt. Steve Reynolds, Jaffrey PD

PROMOTIONS

Capt. David Goldstein, NH State Police,
to Chief of Police in Winthrop, MA
Chief William White, Groton PD,
now also Chief of Hebron PD
Sgt. Edward Smith, Charlestown PD,
to Chief of Police
Sgt. Mark Chase, Center Harbor PD,
to Chief of Police
Sgt. Steven Baldwin, Hancock PD, to Chief of Police
Lt. Sean Billert, Conway PD, to Chief of Police
Lt. Glenn Dubois, Goffstown PD, to Captain
Sgt. David Davison, Bedford PD, to Lieutenant
Officer Gary Norton, Bedford PD, to Sergeant
Detective William Oswalt, Jaffrey PD, to Sergeant
Detective Scott Dunn, Jaffrey PD, to Sergeant
Officer William Wright, Belmont PD, to Corporal

NEW HAMPSHIRE'S OLDEST TROOPER DIES

James Humphrey, 94, of Andover died at his home recently. He was the last remaining of the original five Motor Vehicle Inspectors who formed the nucleus of the first NH State Police when the organization was formed in 1937. He rode a motorcycle at first, and since telephones were so rare in the state and there were no mobile police radios, when someone wanted a Trooper, Headquarters would phone someone along the Trooper's patrol route who had a phone, and that person would hang a red flag out in front of their house so the Trooper would stop and get the message. Jim interrupted his State Police service to join the U.S. Marine Corps during World War II, then returned to the State Police. After his retirement, Jim served as Chief of Police in Andover for several years. His wife predeceased him, and he is survived by several nephews, a friend and caregiver, and grandnephews and grandnieces. Our condolences to his friends and relatives.

MEDAL OF VALOR GIVEN

Officer Sean Kilbreth of Bedford PD was recently awarded that department's Medal of Valor by Chief Dave Bailey, for his actions during a standoff and shooting at a local shopping plaza, where despite

being wounded in the hip, he was able to overcome his assailant.

HEBERT BACK FROM QUANTICO

Lt. Jonathan Hebert of the Carroll County Sheriff's Office recently graduated from the 215th Session of the FBI National Academy in Quantico, VA.

NEW HAMPTON HAS DARE OFFICER

New Hampton PD has recently appointed Officer Scott Phinney to head up their DARE program, according to Chief Nathaniel Sawyer, Jr.

PIZZA AND GOOD ADVICE

Sgt. Mike Schwartz of Portsmouth PD has started a program to inform teens about laws that apply to them. Once a month on a Friday, he invites a group of sixteen-year-olds at the high school to a pizza lunch. After lunch, Sgt. Schwartz explains his job at the police department and then he goes over various laws that apply to 16-years-olds, answering any questions the teens may have. He covers topics like motor vehicle laws, the penalties for false ID's, and the consequences of criminal mischief and other infractions. It's too soon to know how effective the program will be, since it was just started in 2003, but the teens appear interested and a different group shows up every month.



SMILE, YOU'RE ON ROCHESTER PD'S CANDID CAMERA!

Under a Department of Justice grant, Rochester PD is obtaining five 35-mm video cameras so their officers can take video statements from victims, recording their story of the abuse and documenting their bruises and injuries, enabling judges and juries to see a frightened victim amid a disheveled home. Following a Modesto, California model, domestic violence convictions should increase with the deployment of this new tool. Considering it takes the average domestic violence victim seven times before they get up the courage to leave, this is important.

SUPPLEMENTAL ALI - WE'RE LIKIN' IT!

The New Hampshire Enhanced 911 system, now a Bureau in the Department of Safety, has several features to its system that are state-of-the-art compared with other 911 centers around the country, according to Director Bruce G. Cheney.

There is instant access to TTY communications for the deaf community built right into each 911 terminal. The ATT Language-Line service gives Telecommunicators (and police and court officials via telephone connections to the 911 center) quick access to interpretation of over 160 languages and dialects.

When a call comes in, the Telecommunicator's computer screen instantly displays the caller's name, address, and phone number (ANI - automatic number identification) and the location of the phone (ALI - automatic location identification). "Supplemental ALI" adds another feature - the capability to add supplemental or additional information about permanent medical conditions of householders, or quantities of hazardous materials stored on-site or other potentially hazardous conditions at that location. Telephone customers who want this information added to the 911 database can also contact the Bureau and have it added.

On one occasion, a handicapped woman stopped breathing and a trained dog in her home knocked the kitchen phone off the hook and pressed the speed dial button for 911 as he was trained to do in the event her breathing alarm went off. Supplemental ALI showed the condition that existed at this residence, and when the Telecommunicator heard a dog barking in the background, she immediately notified rescue and the woman's life was saved.

If officers or their families or friends have conditions that should be entered in the Supplemental ALI database, they can contact the 911 Bureau at 1-800-806-1242 or 603-271-6911 to obtain the Supplemental ALI forms to fill out and submit.

RED CROSS BLOOD SUPPLIES ARE LOW THIS TIME OF YEAR

Consider donating blood when the Red Cross blood bank comes to town. It's quick and relatively painless, and may save a life, even the life of a fellow officer.

Less than 5% of the population are blood donors, and they support the other 95%. In the six New England states collectively, 1,400 pints of donated blood every work day are required to keep up with the need. One million fewer people are donating blood today than three years ago.

A blood donation takes about 10 minutes from start to finish. Most people in good health, who weigh 110 pounds or more and who are over age 17, can give blood. The average adult body contains between 10 and 12 pints of blood, and the body quickly

replenishes the pint that you donate. You can give blood as often as every eight weeks, or six times a year. All donated blood is carefully screened to detect the presence of any disease and keep the blood bank supply safe.

There are four blood types - A, B, AB, and O, and these are either positive or negative, giving eight different iterations. The person with type O negative is the "universal donor," whose blood in an emergency can be donated to someone with any blood type. Type O positive is the most prevalent, and therefore most needed, blood type.

To find out about donating blood or sponsoring a blood drive, contact the American Red Cross toll-free at 1-800-GIVE LIFE. Every donation makes a difference.

GLOCK EASILY CONVERTED TO FULL AUTO

Gang members in California and Florida are said to be converting Glock pistols to full automatic firing capability. Police in some areas of the country are now treating all Glocks as full auto until proven otherwise. The conversion is fast and simple and requires no technical expertise. The polymer slide cover plate is replaced with a steel one in about 15 seconds. The polymer edge of the trigger housing is partially cut away (this can be detected without removing the slide because a large void is visible through the notch). Finding a Glock modified in this manner is a clear indication that the weapon has been illegally converted to fire in full auto mode.

MERCEDES HAS HIDING PLACE FOR FIREARM

The Mercedes Benz E-500 model has a compartment under the driver's seat intended for a First Aid Kit, but which can easily accommodate a pistol or revolver. The compartment opens easily and makes it very accessible to unobtrusively reach for the firearm.

PHONY MUFFLER CAN STORE FIREARMS

A company called "Two Brothers Racing" now advertises an exhaust system for motorcycles that routes exhaust flow through the right canister on a Honda, supposedly improves power and torque, and replaces the left-side exhaust with a lockable canister. It looks just like the other muffler but adds weatherproof storage that can be used to hold rain-gear, a cell phone, a wallet, a digital camera (even a gun?) in a zip-top, Cordura™ liner bag.

PREVENTING PHARMACY ROBBERIES

By: Lt. Jeff Mullaney
Law Enforcement Training Specialist

Information comes to us from Officer Eric Kester of Derry PD on a new tool available to law enforcement to assist with the latest rash of pharmacy hold-ups and burglaries. It is www.rxpatrol.org, a website that is promoted by pharmacists as an information clearinghouse designed to collect, analyze and share information on pharmacy robberies, burglaries and theft of controlled substances. RxPATROL is intended to help protect pharmacists, guard against potential robberies and burglaries, and assist law enforcement efforts to apprehend and prosecute pharmacy robbers. It was conceived, developed and funded by Purdue Pharma L.P., a pharmaceutical company based in Stamford, CT.



Using a state-of-the-art software program utilized by government intelligence agencies, RxPATROL will collect, collate and analyze information from pharmacy theft reports across the country. The data and analysis, which can incorporate streaming video and closed circuit television photos, will be disseminated to law enforcement agencies for action as they deem appropriate. Additionally, RxPATROL will conduct a vulnerability assessment using the information gathered on pharmacy theft patterns to create a profile of pharmacies most likely to be victimized and why, as well as what physical security systems (e.g., alarms, closed circuit television cameras, public monitors, reinforced doors, etc.) are most effective in deterring burglars and robbers.

NEW AND DEADLY DRUG CRAZE

In Kansas City, a new and still legal drug in the form of a plant available at many nurseries, the Angel Trumpet, also called Datura or Jimsonweed, has surfaced as a drug of abuse. Someone stole a quantity of them from the botanical department of a local college, and nurseries now claim teens are clamoring to buy them. It is brewed into a tea that is actually poisonous and can have disastrous results. Users begin to hallucinate in a nightmarish manner for hours or days, and become seriously ill, combative and uncontrollable. A German teen who took it mutilated himself by cutting off his penis and tongue.

The Mid-America Poison Control Center received more than 20 calls over the last few months of persons who had ingested the tea made from this plant. Curious kids doing research on the Internet seem to be the most likely users.

RICIN TOXIN STILL A THREAT

A couple of months ago, a postal worker in Greenville, SC discovered a business-sized envelope containing the poison Ricin. There was no delivery address or postmark. This shows that Ricin remains a serious terrorist threat in this country.

Ricin is made from the castor bean. Production sites have been uncovered in London, England, and in Minnesota, with amounts that could have killed 100 people if effectively delivered.

Awareness can help prevent toxic exposure to this poison. It is a lethal, delayed-action cell toxin that is relatively inexpensive and accessible from natural sources, the castor bean. This bean is a shrub-like herb with large, long-stemmed leaves similar to fingers and with spiny, clustered seed pods that contain brown, bean-like seeds resembling large ticks. It produces various colored flowers. It is found in Africa, Southeast Asia, the U.S. and Canada. It has some legal uses. It can be prepared in liquid, crystalline, or dry powder form. Routes of exposure include ingestion, injection and inhalation. Mixing it with dimethyl sulfoxide (DSMO) allows it to be absorbed through the skin, but not in toxic amounts.

Information on the Internet makes it easy for would-be terrorists to learn all about how to deploy this toxin. Clinical symptoms once ingested include rapid onset of nausea, vomiting and abdominal pain followed by diarrhea, anal hemorrhaging, pupil dilation, fever, thirst, sore throat, headache and shock. Symptoms of inhalation include fever, cough, nose and throat congestion, shortness of breath, nausea, chest tightness, profuse sweating, pulmonary edema, bluish discoloration of mucous membranes, incapacitation, and low blood pressure. Respiratory and circulatory problems preceded inevitable death. Symptoms can appear within eight hours of inhalation or almost immediately after swallowing (ingestion). There is no specific treatment, and death follows 36-72 hours later.

Suspected Ricin should be handled only by qualified Hazardous Materials professionals. It presents a particulate inhalation and splash hazard and personnel should wear gloves, eye protection, a particulate respirator, and splash protection. Sampling and analysis should only be done in coordination with law enforcement lab personnel. Officers checking suspected labs should be on the alert for common industrial chemicals such as DSMO, acetone, and lye, all of which can pose a flammable toxic or caustic hazard to anyone in the immediate vicinity.

Exposed personnel should wash the affected area vigorously with soap and water. Equipment and supplies should be decontaminated with a weak, 0.5% hypochlorite (bleach) solution and/or soap and water.

Any suspected Ricin incidents should be reported to the State Police Anti-Terrorism Unit for further referral to the Joint Terrorism Task Force.

A CHOCOLATE HIGH

The Wyoming Highway Patrol reports seizing 290 pounds of chocolate-covered, high-grade marijuana bound from Oregon to Tennessee, after stopping a woman for speeding on Interstate 80. After she provided conflicting information on her final destination and denied a consent to search her vehicle, a Sheriff's drug dog was summoned and alerted to the trunk of the vehicle. In the trunk, Troopers found the pot in 11 sealed plastic bags surrounded by dry ice.

Over the past year, there have been several similar instances of drug concealment in chocolate, linked to suppliers in Oregon. The Kansas Highway Patrol seized 1,500 pieces of chocolate-covered marijuana in a private vehicle, headed for East Coast cities. Various jurisdictions in and around the Portland, Oregon airport, in nine separate incidents, seized 250 pounds of chocolate-covered psilocybin mushrooms being shipped via package delivery services.

APPEALS COURT OKAYS MEDICAL MARIJUANA

In San Francisco, in the case of *Raich v. U.S.*, the 9th Circuit federal Court of Appeals, generally reputed to be the nation's most liberal appellate court, has ruled 2-1 that the federal law prohibiting possession and use of marijuana does not apply to sick people who are allowed to smoke pot with a doctor's recommendation. In California, state law allows people to grow, smoke, or obtain marijuana for medical needs with a doctor's recommendation. Eight other states - Alaska, Arizona, Colorado, Hawaii, Maine, Nevada, Oregon, and Washington, have similar laws. The 9th Circuit has jurisdiction over all these states except Colorado and Maine.

New Hampshire is in the First Circuit, and this ruling does not apply here.

PRICES FOR ILLEGAL DRUGS COMPILED

The National Drug Intelligence Center has recently compiled information on the "going rate" on the street for various illicit drugs.

In New Hampshire, powdered cocaine is said to sell for \$23,000-\$30,000 per kilogram, \$750-\$1,200 per ounce, or \$60-\$100 per gram in the Manchester area. Crack cocaine goes for \$1,000-\$1,600 per ounce and \$20-\$100 per rock. Heroin goes for \$10-\$15 per bag or \$80-\$300 per bundle. A bundle is approximately 10-15 bags. Marijuana sells for \$3,000-\$4,000 per pound in sinsemilla form, or \$900-\$2,200 per pound commercially grown, and \$200-\$400 per ounce or \$100-\$240 per ounce respectively, and \$25 per gram (sinsemilla), \$10 per joint, or commercially grown for \$5 per joint.

Methamphetamine, that favorite of motorcycle gangs, goes for \$2,200 per ounce, or on the street at \$100-\$1540 per gram. MDMA is sold for \$7-\$20 per tablet, according to information furnished to the NDIC by the NH Drug Task Force.

POLY DRUG USE BECOMING MORE COMMON

According to a recent national report, 20% of individuals admitted for treatment at publicly-funded drug treatment facilities, who reported injection drug use, had injected two or more drugs, either simultaneously or on separate occasions.

Cocaine and heroin were the most common, and accounted for 75% of the admissions. Among those reporting heroin as their primary drug, 89% injected cocaine as the secondary drug. Among those reporting cocaine as the primary drug, 63% injected heroin as the secondary drug. Individuals also admitted injecting heroin and methamphetamine 7% of the time, cocaine and methamphetamine 6% of the time, and various other combinations 12% of the time.

CODEINE COUGH SYRUP A DRUG OF CHOICE

Recently, a Nebraska State Patrol officer seized four gallons of codeine-based cough suppressant during a traffic stop on Interstate 80. He had stopped a Texas-registered, eastbound SUV for speeding, and became suspicious of the vehicle's occupants. He radioed for a drug-detecting K-9, and the dog alerted to the vehicle. A subsequent search revealed 32 one-pint bottles of codeine cough suppressant hidden in the natural void in the rear tailgate. The syrup had been obtained from Los Angeles pharmacies and bore prescription labels with three different patient's names on them. The officers also seized a purse containing \$4,890, a one-gallon bottle containing a water and cough syrup mixture, and a bottle containing fruit juice and cough syrup. They were mixing the cough syrup with soda and selling it for \$35 a "swig."

Last March at a bus station, Indianapolis PD seized five gallons of cough syrup being shipped from California to an Indy resident. A year ago this month, the Utah Highway Patrol seized 15 gallons from three individuals transporting it from Los Angeles to Louisville, KY via Interstate 70. It was concealed in one-gallon jugs labeled as grape drink.

THEY REALLY INHALED TOXIC VAPORS FOR EFFECT!

In Hartford, Wisconsin recently, three local teenage girls suffered severe burns from a car explosion that resulted from their inhaling ("huffing") the vapors from aerosol air fresheners, when someone lit a cigarette in the car. The force of the explosion projected shards of glass from the passenger-side window for a distance of 20 feet, buckled both doors and the trunk lid, and burned portions of the interior. The girls escaped and ran to a nearby creek to extinguish the flames in their clothing, then flagged down a passing motorist.

SAFETY FIRST WHEN DEALING WITH SEAT-BELT PRETENSIONERS

Pioneered several years ago by Mercedes-Benz, many new luxury automobiles now have "seat-belt pretensioners" that detect the onset of a crash and use a minute charge of gunpowder to yank against a vehicle occupant and tighten their seat belt seconds before impact. However, these devices can also be set off in the hands of rescue personnel working to cut someone free of the belt.

Other devices that can injure rescue personnel include metal detonators that explode side curtain airbags, spring-loaded, retractable roll bars in some convertibles, and powerful battery equipment in electric and hybrid gas/electric vehicles. A silent vehicle such as a Toyota Prius that has combined gas and electric power can be "on" and suddenly surge forward at a crash scene if someone inadvertently steps on the accelerator. The more than 500 volts of electrical energy in the batteries and accumulators in some of these vehicles are powerful enough to electrocute a person. In Hondas and Toyotas, these high-voltage parts underhood are marked in blaze orange as a warning. Rescue workers should not attempt to cut into the battery cables on these vehicles. Holmatro, Inc., in Maryland, puts out a *Rescuer's Guide to Vehicle Safety Systems* that runs to 6500 pages for \$138.00, and is currently developing a CD-ROM containing this information, that could be used at crash sites.

Word and Phrase Origins – Ever wonder where they come from? Here are a few commonly used.

Slipshod, meaning sloppy or careless, harks back to the 15th century, when people wore "slip-shoes" in the house, so called because the felt soles would slide on the floor. Anyone who wore their slip-shoes outside was considered slovenly.

Fork over, meaning to pay up, originated in Britain, where peasants often paid their taxes in grain, rather than silver. They would use a pitchfork to lift the grain to make their payment.

Make the grade, meaning to be successful, comes from the early days of railroading, when it took a strong steam engine to reach the top of a steep grade or slope.

Bunk, meaning foolish chatter, comes from Revolutionary General and then Congressman Felix Walker. He tended to drone on and on, always explaining that he was speaking for his district -- Buncombe County, N.C. "Speaking for Buncombe" became "bunkum," or "bunk."

Sideburns come from Civil War General Ambrose Burnside, who sported a full mustache and side whiskers that many others adopted. Using a common form of wordplay, people who wore facial hair like Burnside called their whiskers sideburns.

YOU CAN'T SEARCH CLOSELY ENOUGH

In San Bernardino, CA recently, a motorist arrested for shooting a Deputy Sheriff at a traffic stop committed suicide at the Sheriff's station with a handgun that he had in his pants pocket, that had escaped note by the Deputies who arrested him and took him into custody, and those who had booked him and placed him in the cell.

The Deputy had stopped the individual for a traffic violation at 9:30 a.m. about 60 miles east of Los Angeles, and the motorist jumped from the car and fled, shooting and seriously wounding the Deputy in the abdomen with a .45 caliber handgun. Authorities do not know how he managed to conceal the .45 during his arrest and booking. His suicide was caught on the videotape in the cell.

Alert for Mercury in Fish

Nutritionists advise eating fish because it's a good source of low-fat protein and other valuable nutrients. But many kinds contain mercury, which can cause brain damage, birth defects, kidney problems, hair loss, and other disorders. The Minnesota Department of Health advises limiting consumption of predator fish, which contain higher levels of mercury, to once a month. These include shark, swordfish, king mackerel, and tilefish. Pregnant women and children under 15 should avoid them completely. Fish that contain low amounts of mercury include haddock, tilapia, salmon, cod, pollock, and sole. Even with these varieties, however, the Food and Drug Administration suggests that pregnant women and children limit themselves to 12 ounces of fish per week.



NO EYE-SPY FOR FBI VIA ON-STAR

The 9th federal Circuit Court of Appeals, in a 2-1 decision that is binding in Hawaii and the western U.S., has ruled that General Motors and On-Star™ cannot allow the FBI to remotely activate the system and use it to remotely snoop on occupants of so equipped vehicles, even with a court order, because doing so would endanger the occupants by rendering the device inoperable during an emergency.

Apparently the system cannot be used to assist the FBI without disabling its emergency functions.

After learning that the system could be used to eavesdrop on conversations in a car after it had been reported as stolen, the FBI decided it could be useful for "bugging" suspected terrorists, organized crime figures and others.

FLYING THE FRIENDLY SKIES

The federal Sky Marshals program has recently been transferred from the Transportation Security Administration to the Immigrations and Customs Enforcement Agency, all within the Department of Homeland Security.



NEW CONTROLS ON ALIENS

As of January 1, aliens traveling to the U.S. may be required to be photographed and fingerprinted when they enter the country, and to inform border officials of their departure when they leave. However, bowing to criticisms from advocacy groups, the government is no longer requiring males visiting primarily from the Middle East to re-register after 30 days if they initially registered at a port of entry, and annually if they

remain in the U.S. for longer than a year. There were 177,260 immigrants registered under the now-discontinued program.

WHO HAS THE LOWEST UNEMPLOYMENT RATE IN NEW ENGLAND?

Recently, it has been Vermont, at 3.7%. This compared with New Hampshire's 4.2%, Maine's 4.4%, Massachusetts' 5.7%, and Rhode Island's 4.5%.

DESPITE COPS PROGRAM, NUMBERS ARE SHRINKING



During the Clinton Presidency, the Community Oriented Policing Services grants totaling \$8 billion vowed to put 100,000 additional police officers on America's streets. Although numerous officers were added under the program, many of these additions were only temporary, as local communities refused to pony up the cash to continue them when the federal funds ran out. Thus, the largest federally-funded buildup of local police in U.S. history seems to have come to an end, as cash-strapped cities and towns fail to replace officers who retire, or to fill vacancies.

As crime statistics begin to tick upward after a decade of reductions, some departments are abandoning their specialized community policing units altogether, while others eliminate many specialty assignments and even cut back on patrols.

Minneapolis, MN received \$6 million from the COPS program to add 81 officers and bring their force to 938 in 1997, but by 2003 they had cut 140 of these positions out, including 38 last year. Today, they only have 798 officers. Robberies in that city are up by 20%, and burglaries by 3%. Last summer, 12 Minnesota State Troopers were placed on duty in Minneapolis to help investigate a rising number of violent crimes there.

The vaunted NYPD got federal grants to add 4,700 new officers and had swelled their ranks to nearly 40,000 three years ago, but currently they are 3,400 less than that, a cut almost the size of the entire Detroit PD. Officials say the losses are due to retirements and local budget cuts.

In New Orleans, 400 new officers were added under the COPS program, but 100 have been cut during the past three years, and the city's 1,610 officers faced a 16% increase in homicides, to 211 last year, and a 14% increase in rapes, to 149.

Los Angeles, already lightly staffed for its size with 9,700 officers in 1997, has cut 800 positions over the past four years, and since a recent spike in homicides, robberies and assaults, is trying to beef back up to at least 9,270 officers.

At the federal level, the COPS program soldiers on with a greatly reduced budget, as the spending emphasis in Congress has shifted more toward national security and terrorism concerns. The COPS program has also taken action against communities that failed to use the COPS money as intended, and is seeking \$5 million in refunds from various communities.

HELL'S ANGELS ACCUSED OF TAKING OVER CANADA ORGANIZED CRIME

Recent press accounts in the *Christian Science Monitor* out of Canada report a violent turf war in Quebec between the Hell's Angels and a rival biker group, the Rock Machine, for control of the province's estimated billion dollar drug trade. The reports talk of 164 deaths since 1994, including an 11-year-old boy who was hit by shrapnel, and a local journalist gunned down for an expose he wrote about the problem.

There are reputedly 600 Hell's Angels in 34 chapters in Canada, stretching from the waterfront in Halifax, Nova Scotia, to the western port of Vancouver, British Columbia. A new book on biker gangs attributes the violence and growth of the problem to poor police work and infighting, and claims the Canadian Hell's Angels are far more organized than those in the U.S.

However, in Ontario, the Hell's Angels are trying to overcome the "bad guy" image, and have donated money to local children's charities and had their photos taken shaking hands with political candidates.

OKLAHOMA HIGHWAY PATROLMAN KILLED

Oklahoma Highway Patrol Officer Nikky Green, 35, father of three young daughters, was shot and killed the day after Christmas while stopping to investigate a possible disabled vehicle on a desolate county road about a mile from his home. His in-car video captured images of the suspect throwing something from the car before fleeing as the officer drove up. Later, it was discovered that he had thrown out items commonly used in mobile "meth labs."

A 29-year-old former firefighter has been arrested for the killing. He was taken into custody after the shooting on drug charges after he was found to be in possession of anhydrous ammonia, an ingredient used in the manufacture of methamphetamine. He

had been fired from his firefighting job earlier in the year for drug use.

This once more goes to show that every vehicle stop is at least an "unknown risk" stop that can become deadly. Officers must begin assessing the risk prior to making the stop - preparing ahead of time and thinking of such issues as cover, concealment, distance, observation, timing, and physical placement, so as not to forfeit a tactical advantage to the violator.

CHP OFFICER KILLED BY DWI

In Olancho, CA, a 49-year-old California Highway Patrol Officer was killed just before New Year's when a 20-year-old female drunken driver swerved off the road and rear-ended his cruiser as he was stopped, writing a citation to a truck driver. The impact forced his patrol car under the flatbed trailer of the truck. The crash occurred in broad daylight at 8:30 a.m., on Highway 395, a winding mountain road through the Sierra Nevada, that connects Reno, NV with Southern California. The DWI was wearing a seat belt and sustained only minor injuries. She told investigators she was feeling drowsy, and had been traveling at about 90 mph.

ROGER WILLIAMS UNIVERSITY

A *Community Works* seminar entitled "Smart Teens Make Safer Communities" will be held at the Roger Williams University Baypoint Inn & Conference Center, 144 Anthony Road, Portsmouth, RI, on February 19 & 20, 2004. Designed for officers working in the schools in programs such as School Resource Officer and D.A.R.E., the seminar uses interactive lessons that teach crime prevention and youth development skills. Some of the lesson topics included are conflict management, police/community relations, hate crimes, shoplifting, gangs, bullying, and gun violence. The cost of the seminar is \$60. To register, or for more information, contact Denise Owens at (401) 254-3320, e-mail dowens@rwu.edu, or Liz Campo at (401) 254-3731.

There Are Health Benefits in Chewing Gum

Maybe mom was wrong: chewing gum can be good for you. A recent study by the University of Minnesota School of Dentistry showed that chewing gum containing xylitol, an artificial sweetener, can reduce bacteria in the mouth that cause tooth decay. Chewing gum has psychological benefits, too, such as improving concentration and

keeping you alert. Drivers often chew gum if they find themselves getting sleepy, and students find it helps them study.

STATE POLICE ACCEPTING APPLICATIONS

The New Hampshire State Police is accepting applications for Probationary Trooper through January 23, 2004. The minimum qualifications are completion of high school or GED, plus either 60 college credit hours, two years full-time experience as a certified police officer, or two years full-time active military service with an honorable discharge. The starting salary for this position is \$34,394. After a successful probationary period of one (1) year, Probationary Troopers are promoted to the rank of State Police Trooper I with a salary range of \$37,313 - \$50,068. Troopers receive an excellent benefits package, including family health and dental insurance, annual and sick leave, retirement pay after 20 years of service and a minimum age of 45, and many other benefits. For more information and to download an application, visit the NH State Police web site at www.nh.gov/safety/nhsp or the NH Division of Personnel web site at www.nh.gov/hr. The NH State Police Recruitment and Training Unit can be reached by telephone at (603) 271-2728.

HELP WANTED IN SANBORNTON

The Sanbornton, NH Police Dept. is accepting applications for the position of FT Police Officer. Applicants should have a minimum of a high school diploma or G.E.D. and must be at least 21 years of age. Full-time certification is preferred, but not required. Training and experience other than postsecondary education will be considered. Benefits include: NH Retirement System, medical/dental coverage, accrual of annual leave time and holiday pay. Selection process will include a written examination, physical agility testing, oral boards, and extensive background testing. Interested candidates should contact the Sanbornton Police Dept., PO Box 125, 565 Sanborn Road, Sanbornton, NH 03269, phone (603) 286-4323. The Town of Sanbornton is an Equal Opportunity Employer.

JOB OPENING IN HANOVER

The Town of Hanover, NH seeks a FT Police Officer. Applicants must be at least 21 years old, and possess high school diploma or equivalent, valid driver's license, U.S. citizenship, and excellent communication and writing skills. They must also have the ability to meet current requirements set forth by the Police Standards and Training Council for NH police

certification. Preference will be afforded to those candidates already certified by NHPSTC. Applicants shall be required to complete physical agility test, oral board, polygraph, medical and psychological exam, and extensive background investigation. Starting salary DOQE. Send cover letter and resume to: Human Resources Dept., PO Box 483, Hanover, NH 03755, by 4:30 PM on February 27th. EOE.

PORTSMOUTH SEEKS FT OFFICERS

The Portsmouth Police Dept. is accepting applications from full-time certified Police Officers. Candidates must pass a physical agility test, oral board, psychological exam, polygraph exam and medical physical, as well as an extensive background investigation. The salary range is \$36,614.97 - \$41,601.03. Please send a cover letter and resume to Portsmouth Police Dept., Personnel & Training, 3 Junkins Ave., Portsmouth, NH 03801. If you have any questions, please contact Ms. Terry Barrett at (603) 427-1500 extension 428, or you can e-mail her at barrett@pd.cityofportsmouth.com. EOE, AA

POLICE ADMINISTRATOR OPENING IN UNITY

The Board of Selectmen in the Town of Unity, NH is seeking an individual who will be responsible for planning and coordinating activities of the Police Department. Unity is a town of approximately 1300 residents, located in west-central New Hampshire. It is a rural town with 50 miles of town-maintained roads. The fully equipped police department is located in the newly-renovated town office building. To obtain a job description, contact the Town Office on Monday, Wednesday, or Thursday from 9:00 a.m. - 5:00 p.m., at (603) 543-3102. Send resumes to Town of Unity, Attn: Priscilla Swensen, 13 Center Rd., Charlestown, NH 03603, or e-mail to unitynh@yahoo.com. Resumes will be accepted until 5:00 p.m. on February 23, 2004.

MANCHESTER ACCEPTING APPLICATIONS

The City of Manchester, NH is accepting applications for the position of Police Officer. Applicants must be at least 21 years of age and have a high school diploma or GED. They must be U.S. citizens, not have any record of convictions other than minor offenses, and have a valid NH driver's license before hiring. If hired, must reside in the City of Manchester or contiguous town, or within 20 road miles of Manchester PD, within 12 months. The application process consists of written test, physical agility test, and oral interview. Background investigation, including polygraph, will be conducted on candidates who are successful on exams. Offer of hire contingent upon

passing a post-offer fitness-for-duty psychological and medical screening. Starting annual salary is \$37,300.22, plus extensive benefits package. Apply by submitting a City of Manchester employment application, along with a \$50 non-refundable fee, to Human Resources by 4:30 PM on Friday, February 6, 2004. To obtain an application, contact: Dept. of Human Resources, One City Hall Plaza, Manchester NH 03101, phone (603) 624-6543 (M-F from 8:00 AM -5:00 PM).

NEWFIELDS SEEKING FULL-TIME OFFICER

The Newfields Police Department is actively seeking a full-time certified police officer candidate for an anticipated opening this spring. Newfields PD is a community-oriented, progressive, professional department serving a seacoast town of over 1,700 residents.

Applicants must meet the following minimum requirements: at least 21 years of age, US citizen, high school diploma or equivalent, college education or military experience desirable, NH police certification preferred. Each applicant must successfully complete each element of the testing phase: physical agility testing, written exam, oral board, background investigation, medical exam, psychological exam, and polygraph exam.

Salary range is \$30,943 to \$33,000. Benefits are as follows: uniform/equipment provided, sick leave, annual paid vacations/holidays, 20-year state retirement, and health insurance. Applications can be obtained from 65 Main Street, Newfields, NH 03856, telephone 603-772-9010. The application deadline is February 27, 2004. Newfields PD is an Equal Opportunity/ Affirmative Action Employer.

New Year's Resolutions, Anyone?

If you're searching for some noble New Year's resolutions, take a page from the late advice columnist Ann Landers:



Let this coming year be better than all the others. Vow to do some of the things you've always wanted to do but couldn't find the time for.

Don't blow your own horn. If you've done something praiseworthy, someone will notice eventually.

Try to understand a point of view that is different from your own. Few things are 100 percent one way or another.

Be optimistic. The can-do spirit is the fuel that makes things go.

Encourage a young person to do his or her best. Share your experience and offer support.

Vow not to make a promise you are not sure you can keep. Examine the demands you put on others.

Don't abandon your old-fashioned principles. They never go out of style.

Resolve to stop magnifying small problems and shooting from the hip. Words that you have to eat can be hard to digest.

Read something uplifting. Deep-six the trash. You don't eat garbage, so why put it in your head?

Lighten up. When you feel like blowing your top, ask yourself, "Will it matter a week from today"?

I expect to pass through this world but once.
Any good, therefore, that I can do, or any
kindness that I can show any fellow
creatures, let me do it now, let me not defer it
or neglect it, for I shall not pass this way
again.

- William Penn

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